

THE ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

FEB 15 2005

JEFF HATCH-MILLER, Chairman
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DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
THE CITY OF CHANDLER, ARIZONA TO
UPGRADE A CROSSING OF THE UNION
PACIFIC RAILROAD AT PECOS ROAD IN
MARICOPA COUNTY, ARIZONA, AAR/DOT NO.
741-674-P.

DOCKET NO. RR-03639A-04-0829

DECISION NO. 67592

OPINION AND ORDER

DATE OF HEARING: January 6, 2005

PLACE OF HEARING: Phoenix, Arizona

ADMINISTRATIVE LAW JUDGE: Marc E. Stern

APPEARANCES: Mr. Timothy Sabo and Ms. Diane Targovnik, Staff
Attorneys, Legal Division, on behalf of the Utilities
Division of the Arizona Corporation Commission.

BY THE COMMISSION:

On November 18, 2004, the City of Chandler ("City") submitted to the Arizona Corporation Commission ("Commission") a request for an Opinion and Order for the approval of an agreement between the City and the Union Pacific Railroad Company ("Railroad") to upgrade the Railroad's crossing at Pecos Road in Chandler, Maricopa County, Arizona, at AAR/DOT No. 741-674-P ("Application")

On December 1, 2004, by Procedural Order, the Application was set for a hearing and the City was ordered to notify any interested party of the Application and the hearing.

On December 9, 2004, the City certified that notice had been provided pursuant to the terms of the Procedural Order.

On January 5, 2005, a full public hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. The Commission's Railroad Safety Section was present with counsel. At the conclusion of the hearing, the matter was taken under advisement pending submission of a recommended Opinion and Order to the Commission.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On November 18, 2004, the City filed an Application in which it requested an Opinion and Order from the Commission approving an agreement between the City and the Railroad to upgrade the existing Pecos Road public crossing in Chandler at AAR/DOT No. 741-674-P in the following manner: by widening the existing roadway from one lane in each direction to three lanes in each direction between McQueen Road and Dobson Road; by constructing raised concrete medians; by replacing the existing warning devices with new LED automatic warning devices with automatic gate arms; by adding two cantilever flashing signals; and by installing a new concrete crossing surface.

2. On December 9, 2004, the City filed certification that it had provided notice by registered U.S. mail of the Application and hearing thereon.

3. A hearing was held as scheduled on January 6, 2005.

4. The Application provides for the Railroad to install new LED flashing lights with automatic gates, flashing signals on two cantilevers and a concrete crossing surface at the crossing.

5. Staff testified that the cost apportionment for the installation of the crossing upgrade as provided in the Application is proper.

6. Staff has recommended that the Application be approved.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and over the subject matter of the Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and 40-337.01.

2. Notice of the Application was provided in accordance with the law.

3. Installation of the crossing upgrade is necessary for the public's convenience and safety.

4. Pursuant to A.R.S. §§ 40-336 and 337, the Application should be approved as

recommended by Staff.

5. After installation of the crossing, the Railroad should maintain the crossing in accordance with A.A.C. R14-5-104.

ORDER

IT IS THEREFORE ORDERED that the City of Chandler's Application is hereby approved.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall complete the crossing upgrade as described in the Application within fifteen months from the effective date of this Decision.

IT IS FURTHER ORDERED that the Union Pacific Railroad Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Union Pacific Railroad Company shall maintain the crossing in compliance with the A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 15th day of Feb., 2005.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____

DISSENT _____

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UNION PACIFIC RAILROAD COMPANY

2 DOCKET NO.

RR-03639A-04-0829

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